

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOSEPH N. BACK,

Plaintiff

v.

C-1-09-554

COURT OF COMMON PLEAS,  
BUTLER COUNTY, OHIO, *et al.*,

Defendants

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 25), plaintiffs' objections (doc. no. 27) and defendants' response (doc. no. 28). The Magistrate Judge concluded that plaintiff's Complaint fails to state a claim and defendant, The Court of Common Pleas, Judge Natsoff presiding, is entitled to absolute judicial immunity. The Magistrate Judge therefore recommended that defendant's Motion to Dismiss (doc. no. 10) be granted.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (doc. no. 25). Defendant's Motion to Dismiss (doc. no. 10) is GRANTED. Defendant Butler County Court of Common Pleas Judge Nastoff is dismissed from this case.

The Motion of Defendant Twelfth District Court of Appeals to Treat Motion to Dismiss as a Motion for Summary Judgment (#24) is GRANTED.

The September 2010 trial term setting is hereby VACATED. This matter is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

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s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court